

Message Text

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C O N F I D E N T I A L MANILA 1567

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SUBJECT: SENATORS TANADA AND SALONGA SHIFT POSITION ON
1973 CONSTITUTION

SUMMARY: IN RECENT DISCUSSION WITH AMBASSADOR, OPPOSITION
LEADERS SENATORS SALONGA AND TANADA EXPRESSED
THEIR VIEWS ON CURRENT OPPOSITION THINKING. TANADA
INDICATED CONDITIONAL WILLINGNESS ACCEPT 1973 CONSTITUTION
AS "IN FORCE AND EFFECT" IF MARTIAL LAW LIFTED, UNCHARGED
DETAINEES RELEASED, CIVIL LIBERTIES RESTORED AND INTERIM
NATIONAL ASSEMBLY CONVENED. SALONGA RELUCTANTLY ACCEPTED
THIS POSITION AND INSISTED THAT FREE ELECTIONS BE ONE OF
FUNDAMENTAL CONDITIONS FOR "PRAGMATIC ACCEPTANCE" OF
1973 CONSTITUTION. COMMENT: SALONGA CONDITIONS WOULD
CLEARLY BE UNACCEPTABLE TO MARCOS, BUT TANADA PROPOSALS
MIGHT HOLD SOME ATTRACTION. NEVERTHELESS, EVEN CONDITIONAL
ACCEPTANCE OF 1973 CONSTITUTION BY TWO SENATORS IS CLEARLY
OONG STEP TOWARDS COMPROMISE WITH THE PRESIDENT. END
SUMMARY.

1. IN RECENT CONVERSATION WITH AMBASSADOR, AT WHICH
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SENATORS PUYAT, ESPINA, TAMANO, MITRA AND SALONGA PRESENT,

SENATOR TANADA, LEADER OF ATTACK IN PHILIPPINE SUPREME COURT ON LEGALITY MARTIAL LAW AND NEW CONSTITUTION, INDICATED WILLINGNESS ACCEPT 1973 CONSTITUTION AS "IN FORCE AND EFFECT" ON FOUR CONDITIONS: 1) LIFTING OF MARTIAL LAW, 2) RELEASE DETAINEES HELD WITHOUT CHARGE, 3) RESTORATION CIVIL LIBERTIES, AND 4) CALLING INTERIM NATIONAL ASSEMBLY.

2. SENATOR SALONGA, TANADA'S COLLEAGUE AS A LEADER OF NON-COMMUNIST OPPOSITION CLEARLY UNHAPPY TANADA SURFACED HIS CONDITIONS TO US. WHEN ASKED HIS VIEW, SALONGA RELUCTANT TO ACCEPT TANADA'S PROPOSITION UNLESS THERE WERE IRONCLAD ASSURANCES OF FREE ELECTIONS. AT SALONGA'S PROMPTING, TANADA ADDED FREE ELECTIONS TO HIS CONDITIONS.

3. ALL SENATORS AGREED MARCOS WOULD BE ROUNDLY DEFEATED IN FREE ELECTION, AND, THUS, LIKELIHOOD HIS ACCEPTING THOSE CONDITIONS NON-EXISTENT. TANADA ARGUED, HOWEVER, THERE WAS SOME CHANCE MARCOS COULD BE BROUGHT TO CONDITIONS HE POSED AND EFFORT TO PERSUADE HIM SHOULD BE MADE.

4. UNDERLYING THOUGHT THROUGHOUT DISCUSSION WAS SALONGA'S EXPECTATION THAT ECONOMIC PROBLEMS ENGENDERED BY THE OIL CRISIS INFLATION WOULD DRIVE MARCOS INTO CORNER FROM WHICH HE WILL HAVE TO ACCEPT THE MORE STRINGENT CONDITIONS WHICH SALONGA WOULD POSE, INCLUDING HOLDING ELECTIONS. TANADA, ON OTHER HAND, SEEMED TO FEEL THAT MARCOS MIGHT SUCCEED IN MASTERING HIS ECONOMIC DIFFICULTIES - "MAYBE HE'LL STRIKE OIL" - AND THAT A MORE MODEST BARGAIN MIGHT BE STRUCK. PUYAT CAUTIOUSLY SIDED WITH TANADA.

5. COMMENT: TANADA'S CONDITIONS ARE PROBABLY UNACCEPTABLE TO MARCOS AT PRESENT. IMPLIED IN CONDITIONS IS INTENTION OF MARCOS' OPPONENTS TO REOPEN PERSONAL ATTACK ON HIM AS SOON AS CIVIL LIBERTIES ESTABLISHED AND THIS COULD MAKE SUCH CONDITIONS UNACCEPTABLE FOR INDEFINITE FUTURE. SALONGA'S ADDITIONAL CONDITION OF FREE ELECTION IS PATENTLY NON-STARTED. NEVERTHELESS, EVEN CONDITIONAL WILLINGNESS TO RECOGNIZE THE 1973 CONSTITUTION AS "IN FORCE" IS A VERY LONG STEP TOWARDS COMPROMISE BY TWO OF MARCOS' MOST PRESTIGIOUS NON-COMMUNIST OPPONENTS. CCLEARLY TANADA WAS CONFIDENTIAL

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AHEAD OF SALONGA ON THIS MATTER, BUT SALONGA DID AGREE TO "PRAGMATIC RECOGNITION" OF 1973 CONSTITUTION. IF THIS BECAME SALONGA'S PUBLIC POSITION, IT WOULD LESSEN MORAL FORCE OF ANY FUTURE ATTACKS BY HIM ON LEGALITY OF 1973 CONSTITUTION.

6. OBVIOUSLY, SALONGA AND TANADA ARE FACED WITH SERIOUS DILEMMA. BOTH ARE PLAINLY OUTRAGED BY MANNER IN WHICH

1973 CONSTITUTION WAS WRITTEN AND RATIFIED, ESSENTIALLY
IN MALACANANG, AS WELL AS MUCH CONCERNED BY SWEEPING
POWERS WHICH IT GRANTS THE PRIME MINISTER AS CHIEF EXECUTIVE.
BOTH, HOWEVER, ARE ALSO VERY MUCH CONCERNED ABOUT INCREASED
ROLE OF MILITARY IN NATIONAL LEADERSHIP AND POSSIBLE DANGER
OF FUTURE MILITARY COUP D'ETAT CONVERTING PHILIPPINES, IN
SALONGA'S WORDS, "INTO JUST ANOTHER BANANA REPUBLIC." FOR
THE MOMENT, WE THINK THEY HAVE STILL NOT WORKED OUT THEIR
TACTICS TOWARDS RESTORATION OF SOME FORM OF CONSTITUTIONAL
DEMOCRACY. WHILE SHIFTS IN SALONGA/TANADA POSITIONS ARE
SIGNIFICANT, THEY ARE FAR REMOVED FROM ANYTHING MARCOS IS
LIKELY TO TOUCH NOW. SALONGA/TANADA FEARS OF MILITARY TAKE-
OVER COULD EVENTUALLY PERSUADE THEM TO FURTHER SOFTEN TERMS
ON WHICH THEY WOULD ACCEPT LEGITIMACY OF MARCOS'
CONTINUED EXERCISE OF POWER.
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